

02.20.14 Governor Patrick Delivers Remarks at Re-Entry Forum

AS DELIVERED:

Governor Deval L. Patrick

Re-entry Forum

UMass Boston

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First of all, thank you to MassINC for hosting this important forum on public safety, and for your engagement on so many of the most pressing policy choices facing our Commonwealth.

I want to also acknowledge Secretary Andrea Cabral and her team at the Executive Office of Public Safety and Security. They have some of the toughest assignments in state government, and I thank them for their dedicated and visionary service.

Have you ever noticed how many of the slogans used in politics to influence or describe public policy are half-truths? A massive government intrusion into fundamental American expectations of privacy entitled "The PATRIOT Act." "No new taxes" used to defeat any effort to pay for the civilization most people say they need and want. "Separate but equal" to describe public schools and facilities that were anything but. Each of these slogans is, or was at one time, clever. But they are also misleading.

In the area of public safety, the equivalent example is the slogan, "tough on crime." "Tough on crime" sounds so right. Think of the fear and harm it evokes, and the promise of swift and certain response. Who could possibly favor a policy that was not "tough on crime"? Being so-called "tough on crime" brought a raft of policy choices, in Massachusetts and across the country, that are well known to many of you in this room: "three strikes" and other mandatory minimum sentences; the elimination of programs to prepare inmates for eventual release; treating substance abuse as crimes. For a long time, "tough on crime" policies made good sound bites. But they have not made us safer. They have cost us a fortune. And they have contributed to the unwise and unnecessary devastation of entire communities and multiple generations.

In the past seven years, we have worked together to disenthral ourselves of simplistic slogans. We think there is a more pragmatic, more effective and most efficient way to think about criminal justice, one that learns from the experience of the past, deals with the realities of today, and actually makes the public safer. I am proud of the progress we have made so far and I want to thank the many here who worked with us to deliver it.

We reduced mandatory minimum sentences for non-violent drug crimes and increased the ability of inmates to earn "good time" for inmate program participation.

This has contributed, over the past two years, to a 7 percent decrease in DOC's inmate population, and a 13 percent decrease in the county jail population. That decrease will save almost \$8 million in the coming fiscal year and eliminate the future need for 10,000 new prison bed-spaces, at a cost of \$2 billion to build and billions of dollars to operate. This approach also means corrections officials can focus time, space and limited public dollars on violent offenders.

I signed CORI reform legislation in 2010 because we know the best way to break the cycle of recidivism is to make it possible for people to get a job. I had met too many young men and women who were hungry for work, but who could not get a second look because of the existence of a CORI – let alone the substance of it. With the Legislature's help, we changed that and we're seeing results here, too. Our latest numbers show that 32,543 times over the last 21 months, ex-offenders applying for jobs, seeking housing or volunteer opportunities were able to take advantage of those opportunities by not being automatically disqualified by the mere existence of CORI.

We reformed the Parole Board to increase accountability and ensure that the Board was properly equipped with relevant expertise, training and a new risk assessment tool to determine eligibility for parole. Beginning in 2011, the Parole Board replaced a number of outdated policies with new evidence-based ones designed to improve the judgments that must be made about parole eligibility and increase transparency about the Board's decisions. The rates of revocation and recidivism among parolees are down already with these changes.

In 2011, we launched the Safe and Successful Youth Initiative, a violence prevention strategy aimed at reducing youth homicides and serious assaults in our urban centers. This competitive grant program requires coordination among law enforcement and multiple social service and support agencies to focus on young men, ages 14 to 24, who are known high risks of becoming perpetrators or victims of gun violence. The goal is to address the whole person – including the roots of their anti-social or self-destructive choices – and to respond with trauma-informed case management, intensive supervision, employment, education, health care, even housing – whatever that individual may need to help him break his own destructive cycle.

I am pleased to report that, in our targeted cities, overall crime victimization – which I understand is the most reliable measure of criminal activity -- is down significantly. Over the past two years, acknowledging the spike in Boston in recent weeks, targeted cities statewide experienced a 25 percent drop in homicide victims age 14 to 24. Aggravated assault statistics continue to trend downward as well – with our targeted cities experiencing a 19 percent drop in aggravated assaults victims age 14 to 24. I have met some of the young men in the SSI program and listened to their stories, and there are many reasons to hope for continued progress.

We have also increased accountability for repeat offenders by strengthening Habitual Offender Laws and amending the list of crimes for which a prosecutor can move for a dangerousness hearing for pretrial detention of the most dangerous offenders.

And we have enhanced our support for victims of crime by making it easier to obtain civil restraining orders, no matter their relationship with the offender. We also expanded the use of compensation funds to help victims with funeral and burial expenses, mental health counseling, crime scene clean up charges, home security installation and other benefits not covered by standard insurance.

Today I want to talk about a few additional steps we can take, working together, to make our communities safer. Indeed, I want us to focus on repeat offenders and recidivism. Here's why: You all know that few crimes result in life without the possibility of parole. 97 percent of the people in prison will be released one day. The problem for all of us is that many of those inmates will come out more dangerous than they were when they went in.

That means all of us – DOC, Sheriffs, the Parole Board, Probation, DAs, the defense bar and the courts – need to bring renewed focus to providing both youth and adults with the tools and skills to re-enter society successfully.

I believe we can reduce recidivism by 50 percent over the next 5 years. It will take a tremendous effort from everyone in this room, but there are a few additional tools we can use to move us forward, and both make us safer and save money.

First, preparation for re-entry must be intentional and start at the point of entry. We must better teach and train more of our inmates for school and work on the other end of their confinement. To that end, we have improved the inmate classification system at DOC. Historically, the system has not made it easy, natural or predictable to move deserving inmates from higher-security to lower-security custody categories. This effectively limited the number of inmates eligible to participate in programs proven to reduce post-release recidivism. So, DOC has made a significant, system-wide change that increases the ability to fairly assess risk and needs without compromising security. Using this new process, 125 inmates have already been moved from medium security to minimum security and heading into programming geared toward successful re-entry.

DOC is re-purposing administrative space in the prisons as training space for its own programs (made possible by moving administrative staff to a redeveloped public safety administration building in Milford).

The Sheriffs of Berkshire, Essex, Hampden, Hampshire and Suffolk counties are partnering with DOC now so that select DOC inmates can complete their sentences at county jails. That's significant because the inmates can benefit from community-based programs, re-engage with supportive family members, and establish trusting relationships with service providers in the neighborhoods they will soon re-join. This partnership will better prepare ex-offenders for productive life in the community after completing their sentences. And let's take a moment to thank and encourage our sheriffs for joining in this effort, and showing such flexibility and creativity.

Through a partnership between DOC, the Parole Board, and our not-for profit service provider partners, we are creating an Intergenerational Justice Program that will focus more efforts on restorative justice and trauma informed services. Experience teaches that by adding these elements to a parolee's home and work plan, the offender can understand the wide-ranging impact of his or her crime and acknowledge the grief and trauma experienced by the families of the victim and the perpetrator. These steps will deepen an offender's sense of responsibility and help break the cycle of retaliation and generational violence.

Second, we have to treat substance abuse as a health problem, instead of a criminal one. Punishing people for addiction doesn't work. We need to divert drug users to treatment rather than incarceration.

Currently, Massachusetts law allows for individuals who, due to substance abuse and addiction, present a likelihood of serious harm to themselves or others to be involuntarily committed by a judge to addiction treatment. Since 2006, when new facilities were established in New Bedford and Brockton to treat individuals who were civilly committed, there has been a 67% increase in the number of these commitments. The resulting volume has exceeded the inpatient bed capacity of DPH's treatment facilities. The problem is that, by law, committed individuals without access to a treatment facility are directed to prison. And the prisons don't have the capacity to handle the increase.

Massachusetts is the only state in the country that holds civilly committed people in prison. I think you know I like for Massachusetts to lead -- but not in the wrong direction. And treating those with substance abuse as prisoners is wrong. We must make the beds available for these individuals to receive proper treatment in proper settings.

In order to do that, in the short run, we propose to expand detox and stabilization services in the public system, adding new beds to the civil commitment services, and create a central intake to match individuals to treatment facilities. In my FY15 budget I have proposed funding so that all civilly committed individuals have access to the full continuum of services, which include placement in inpatient and residential services following detoxification and the provision of community-based case management services. The expanded access to residential services will result in a 40 percent savings: \$525 per week for residential treatment bed as compared to \$882 per week for incarceration.

And in further effort to help individuals struggling with substance abuse, we will this year provide addicted detainees with injectable Vivitrol, a medication designed to help individuals recover from opioid by suppressing their appetite for it.

Third, we have to acknowledge that mental illness is another condition corrections facilities are sometimes ill equipped to handle. Sometimes, people suffering from mental illness come to prison because of an act that is symptomatic of the illness. Rather than punish the symptom we need to address the illness.

We have begun to do just that. Three mental health specialty courts are operating today within our District Court system -- in Plymouth, Boston, and Springfield. Individuals referred to the mental health courts are offered the opportunity to accept a demanding course of treatment, with 12 to 18 months of close judicial supervision. If they comply with that course of treatment, they are diverted from incarceration. These courts are tailored to reach results that are more efficient, and frankly more appropriate, because they treat the underlying problem of mental illness -- rather than leaving it unaddressed, potentially to worsen in prison. My budget proposes to double the number of mental health specialty courts and I have confidence that the results they achieve will prove the efficacy of going to full scale in coming years.

In addition, we can make sure that people suffering from mental illness don't have access to firearms by passing gun safety legislation. There's a whole lot to say about gun safety legislation but one simple fix in my proposal would allow mental health adjudications to be part of the background check for prospective gun buyers. This is common sense and will make us safer.

The evidence tells us that methods traditionally used to handle difficult prisoners may actually exacerbate the difficulties of those with mental illness. Solitary confinement can cause extreme disorientation that only worsens asocial behavior within a correctional institute -- let alone after release. If it remains a feature of our correctional system, it should be reserved for the most exceptional situations, and only as a last resort.

Fully restraining a mentally ill inmate carries similar risks. Unless it can be said with certainty that the inmate poses a serious and immediate physical danger to himself or his fellow inmates, he should not be tied down, limb-by-limb, in a 21st Century correctional institution. Most of our inmates -- even the most difficult ones -- will return to the streets of our Commonwealth. Our treatment of them must always keep that fact in mind, and preserve to the extent possible their own grip on their humanity.

As we see more inmates with mental health issues, the proper, responsible and rare use of these techniques is an important subject on which to focus. As we saw recently in awful death of Joshua Messier, using methods of restraint in response to mental health issues may seem reasonable in the moment, but does not necessarily protect the inmate or the officers. After any such incident, we review and update our policies and procedures and that happened here. But let's not wait for the next tragedy. This year, we will commit an additional one million dollars to supplement existing training programs for law enforcement, including corrections officers, to improve their skills at de-escalating and otherwise better handling people with mental health issues.

And while we're at it, let me add just this one more comment on the Messier matter. The question of who is legally culpable for Mr. Messier's death is being litigated in the courts, and I shouldn't and won't get into that here. But I share the concerns many of you have about the procedures followed and the actions taken in the aftermath of that tragedy and we will have in the coming days a full accounting from the Department of Corrections of that.

While on the subject on the use of restraints, let me be clear that we will also end -- finally, completely and immediately -- the use of restraints on pregnant inmates in labor. Our current regulations prohibit this in state prisons and today the Department of Corrections will issue emergency regulations extending that prohibition to all facilities, including Houses of Correction. Regulation is good but here law would be better. The Legislature is considering a bill that would make this ban the law. I support that bill and I urge the Legislature to send it to my desk for signature this session.

Finally, we must return to the public discourse we started in 2012 on sentencing reform. We need to bring criminal sentencing in Massachusetts up to date, basing it on what experience here and elsewhere has taught us, on the restoration of guided judicial discretion, on the active supervision of Parole and Probation professionals, and on an appreciation of the exorbitant cost and devastating example of warehousing tens of thousands of sons and daughters. That discussion isn't finished yet, and I look forward to returning to that topic with our partners in the Legislature.

Meanwhile, we will reinvigorate the Sentencing Commission. The Commission has been dormant for more than a decade, and has had no recent appointments. Over the past several years, the Commission staff has been working with the Pew Center to gather extensive data on sentencing. Once reinvigorated, the Commission will use this data to bring a critical and data-based lens to the Commonwealth's sentencing practices, make Legislative recommendations and become a more useful reference for the Judiciary.

So, these are some of the initiatives on which we'd like to work with you. The reason is that an awful lot of crime is committed by people caught up in their own cycles of violence and destruction. We need them to break that cycle, and a combination of personal responsibility and targeted programming can help them do so. All I'm saying is that as we charge offenders to break their destructive cycles, we as policymakers can help by breaking a few of our own. And if the result is a much safer public and much lower cost, we are duty-bound to try. The only think left is to toss out the tired old slogans in favor of evidence, experience and wisdom.

I look forward to working with you.